

In the United States District Court  
For the District of Delaware

Charles F. Cardone  
Petitioner

Civ. Act. No.

v.

06-127-KAJ

Thomas L. Carroll,  
Warden, and Carl C. Danberg,  
Attny Gen'l, Delaware  
Respondents

FILED  
CLERK U.S. DISTRICT COURT  
DISTRICT OF DELAWARE  
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ANSWER

This ANSWER is a clarification and correction to the numerous misrepresentations to the Court by respondents in their response to my petition for a writ of habeas corpus:

- 1.) Respondents statement that I was indicted on charges of possession of a firearm ... is not true. I have never used a firearm during a commission of any crime in my life...
- 2.) On page 2 of respondents answer, McFarlan states "Cardone urinated in the parking lot..." that is a lie. I did not urinate in the parking lot and the clerk at the Royal Farms store who dialed 911 and reported to police that I did urinate in the parking

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## Petitioner's ANSWER - 06-127 KAJ

lot, testified at trial that she did not see me urinate at all.

3) On page 3, McFarlon states and misrepresents to the Court that I resisted arrest at the 7-Eleven... the clerk at the 7-Eleven testified at trial I did not resist arrest, nor cause a struggle... the last sentence in McFarlon's Facts, she states "A pat-down search revealed"... as shown in the trial transcripts, the 1 inch knife (in a closed position) was revealed when I emptied my pockets at the Rehoboth Police Station... not at the 7-Eleven as McFarlon, again, misrepresents to the Court... this 1 inch gadget tool was the deadly weapon the state turned into a malicious prosecution of me. The blade on that knife was never open as shown by testimony during my March 28, 2005 trial...

4) McFarlon continues in her misrepresentations to the Court by stating in her Discussion that I have raised 6 grounds for relief. She further states on page 4 that I have

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state supreme court. As is clearly evidenced by my numerous supporting documents I have submitted in my § 2254, these 6 claims for relief have been presented, by me, to my attorney of record, to my trial judge (Graves), to the Court on the Judiciary (Steele), to the Office of Disciplinary Counsel (ODC), and ~~not~~ now to the federal court (§ 2254, Tordon).

In McFarlan's Conclusion, she has opened the door for the production of all transcripts (0201021864, 0409005091A), to include preliminary hearings, sentencing hearings, trials, and violation of probation hearings. She states she cannot state with specificity when such transcripts would be available and that it would <sup>TAKE</sup> 90 days to produce these transcripts should I direct the production of these transcripts, therefore, ~~for me to be~~ allow me to request of this Court the production of all the above, based on Superior Court docket sheets, so the Court may be able to render a granting of my petition for a writ of habeas corpus. Additionally, I

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Petitioner's Answer - 06-127-KAJ

am requesting that Elizabeth R. McFarlan have her license to practice law in the state of Delaware suspended ~~and~~ or revoked for her deliberate and malicious ~~mess~~ misrepresentations to the federal court in her attempt to have my petition for writ of habeas corpus dismissed. Furthermore, if the Court upholds my above requested sanctions of McFarlan, I am also asking the Court to award me one million dollars in compensatory relief, and punitive damages, and other relief the Court deems appropriate and necessary.

Charles F. Cardone  
Petitioner  
06-127-KAJ

Dated: July 6, 2006



## Certificate of Service

I, Charles F. Cardone, hereby certify under penalty of perjury that a true and correct copy of my ANSWER to the response by respondents to my petition for a writ of habeas corpus in Civ. Act. No. 06-127-KAJ has been provided to the below-listed parties, by placing said ANSWER in a postage paid envelope and mailing said envelope via United States mail this 7<sup>th</sup> day of July to:  
2006

Elizabeth R. McFarlan  
Deputy Attorney General  
Department of Justice  
820 N. French Street  
Wilmington, DE 19801

Charles F. Cardone  
Petitioner  
SBI # 098159  
Del Correct Center  
1181 Paddock Rd  
Smymrna, DE  
19977

I/M Charles F. Cardon's

SBI# 098159 UNIT SHU(17)CU 4

DELAWARE CORRECTIONAL CENTER

1181 PADDOCK ROAD

SMYRNA, DELAWARE 19977

LEGAL

MAIL

Judge Kent A. Jordan

U.S. District Court

844 N. King St., ~~DE~~

Wilmington

DE

19801

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